

**PLATEAU
MINING
CORPORATION**

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DIV. OF OIL, GAS & MINING

Willow Creek Mine
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An affiliate of **RAG**

November 19, 2003

Mr. Daron R. Haddock
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

File in:
C/0070038 2003, Incoming
Refer to:
☐ Confidential
☐ Shelf
☒ Expandable
11192003

*Incoming
C/007/0038*

Re: Industrial Post-Mining Land Use Change, Plateau Mining Corporation, Willow Creek Mine, C/007/038, Task ID #1691, Carbon County, Utah

Dear Mr. Haddock:

Plateau Mining Corporation (PMC) is herewith addressing the Division's findings regarding the aforementioned. As usual, PMC will list the deficiency in italics followed by its response in regular type.

R645-301-413.310, The Permittee must establish and describe a reasonable time frame for implementation of the "industrial" post-mining use. If this time frame cannot be met (R645-301-413.333), the Permittee must initiate total reclamation of the mine facilities area.

PMC does not consider this finding valid when considering the phased bond release process and how PMC prepared the land use change application. What does the Division consider an unreasonable time-frame? PMC believes that it is compliant with the regulations due to the fact that the area will be bonded for total reclamation, must meet its operational performance standards, and that any bond release will be in accordance with the phased bond release process, which the Division must approve.

Furthermore, on page 3.4-12, Section 3.4.6.1 – Postmining Land Use, the application states "However, should the industrial postmining land use not be achieved, the permittee will remove the structures and reclaim the area as represented in the full reclamation (worst case) scenario."

PMC is fully aware that an unreasonable delay in implementation is not preferred; however, there is no requirement, either in SMCRA or the regulations, that post-mining land uses be implemented immediately following mining. To obtain **full bond release**, the permittee must demonstrate successful completion of all reclamation requirements of the permit and regulatory program. Under R645-301-413.100, one of those requirements is restoration of all disturbed areas to conditions capable of supporting the approved post-mining land use.

The Permittee has provided the Division with two reclamation scenarios; one is an industrial land use, and the other is that of total reclamation (worst-case). This way, should the industrial land use not be achieved then total reclamation will be implemented. This concept is acknowledged by the Division in the bonding and insurance requirements section of the technical analysis.

Mr. Daron R. Haddock
November 19, 2003
Page 2

The permittee desires to achieve the industrial land use as soon as possible, but economic conditions and the right fit for the site must be considered in any timeline. The intent of the land use change is to promote the economic well being of the people and broaden the tax base. To not exhaust all options and not allow for other opportunities to develop would be shameful and inconsiderate of the well being of the people.

The Division must keep in mind that a bond for total reclamation will be maintained by PMC and that PMC is not in the same group of companies as those that either fail to achieve the approved land use or maintain the appropriate bonding with appropriately rated surety companies.

R645-301-413.320, R645-301-413.331, the Permittee must describe what types of industrial land uses would be considered for implementation within the permit area. The uses must not be impractical or unreasonable (R645-301-413.331), nor can they be an actual or probable hazard to public health or safety, nor be a threat to surface and/or ground water diminution or pollution.

PMC does not consider this finding germane when considering how the Coal Rules and County Planning and Zoning rules preclude impractical, unreasonable, unsafe, and unsound environmental uses and practices. However, PMC did include some additional verbiage on page 3.4-12, similar to the following two paragraphs.

The industrial land uses may be, but not limited to: heavy and light manufacturing, fabrication of materials, repairing, rebuilding and/or assembling of mining equipment, storing and transporting of products, warehousing of materials, multiple business complex for private or governmental uses, or other uses that are practical, reasonable, and consistent with applicable land-use policies, zoning, or plans. All business entities are required by law to maintain safe and healthy working conditions for their employees and public.

The Planning Commission and County Commission must approve the land use and issue a conditional use permit. The intent of the land use change is to promote the economic well being of the people and broaden the tax base. The type of zoning (light/heavy industrial) dictates the uses and limitation allowed.

Acreage for the post-mining land use includes the water conveyance structures and treatment facility (Sedimentation Pond 001) used to convey undisturbed runoff away from the facilities and convey all disturbed runoff to a treatment structure before it is discharged to Willow Creek.

The Division of Water Quality would still have regulatory oversight on the industry and permitted outfall associated with pond 001. Therefore, upon achieving the industrial land use and appropriate phased bond release, the threat to surface and/or ground water diminution or pollution will be under the Division of Water Quality's purview. This is the nice thing about keeping a regulated outfall in the post-mining land use acreage.

Mr. Daron R. Haddock
November 19, 2003
Page 3

R645-301-529.100 or R645-301-551, The Permittee must provide a plan to permanently seal the tunnels in a manner that satisfies the Rules.

The permittee did provide a plan to permanently seal the tunnels by referencing 30 CFR 75.1711-2, **Sealing** of Slope or Drift Openings. Slope or drift openings required to be sealed under 30 CFR 75-1711 shall be sealed with solid, substantial, incombustible material, such as concrete blocks, bricks, or tile, **or** shall be completely filled with incombustible material for a distance of at least 25 feet into such openings.

The permittee feels that the phrase **or**, is a conjunction used as a function word to indicate an alternative. After **sealing** the openings by placing incombustible material in-by a minimum of 25 feet, the permittee will then **backfill** the openings during the overall backfilling and grading of the immediate and adjacent areas. The backfilling activity will place soil material above the portal openings so that the appropriate slopes can be constructed. Furthermore, access to these openings, other than by foot, will be removed during reclamation.

As the Division will notice from the above, both actions (sealed and backfilled) are performed as per the intent of the regulations. In addition to citing the MSHA regulation for sealing of slope or drift openings, the permittee did revised Figure 5.4-3, for this submittal, to denote that concrete block seals will not be used in the rock tunnels.

R645-301-542.100, The Permittee must amend the reclamation timetable depicted as Figure 5.4-2 in the mining and reclamation plan (MRP) to include the anticipated time frame for which the mine facilities area will be allowed to remain unoccupied.

What does the Division consider unreasonable delay in achieving the land use?

PMC does not quite know how it would revise the reclamation timetable to address this concern nor does it see the need to. The timetable just shows timing of the major action items i.e. demolition, portal and shaft sealing, backfilling and grading, drainage controls, revegetation, and monitoring and maintenance.

PMC is fully aware that an unreasonable delay in implementation is not preferred; however, there is no requirement, either in SMCRA or the regulations, that post-mining land uses be implemented immediately following mining. To obtain **full bond release**, the permittee must demonstrate successful completion of all reclamation requirements of the permit and regulatory program. Under R645-301-413.100, one of those requirements is restoration of all disturbed areas to conditions capable of supporting the approved post-mining land use.

We are not talking about old mining structures that have their best years behind them, but 7 year old buildings that are in excellent condition and have many useful years ahead of them. The economic conditions of the area may require more time to achieve the proposed land use.

Mr. Daron R. Haddock
November 19, 2003
Page 4

R645-301-542.320, The Permittee must decide the status of the fan pad/equipment storage area and submit new maps that reflect that status (i.e., Maps 18C, 21A and 22A must correlate.

The confusion with the Post-Mining Surface Facilities - Map 18C and how it appears to contradict with the Post-Mining Topography and Cross-Section - Maps 21A and 22A, respectively, can be explained by noticing that on Map 18C there is not a bubble with a No.38 in it pointing to the old fan deck area. This means that this area will not be used as an equipment/material storage yard, but reclaimed as shown on Maps 21A and 22A.

R645-301-553.110, Although commitments appear to be in place, the partial reclamation of the mine portal area (See sections L-L', M-M', N-N', Map 22A) does not "approximate" the pre-mining surface as depicted by the green line profile. The total reclamation of the mine facilities area must include additional backfilling and grading of the portal area to meet the requirements of approximate original contour.

The design has been revised to show backfilling to pre-mining AML elevations. All appropriate drawings have been revised to reflect the backfilling plan.

R645-301-553.130, Specific criteria essential to ensuring a long-term static safety factor of 1.3 is contained in two separate documents (AML Reclamation Plan and Exhibit 22). The Permittee must incorporate such specific design requirements into the proposal. The Permittee must also discuss the procedures they plan to use to ensure that the design is properly implemented.

Verbiage has been added on page 5.4-15 to address this concern. However, it should be noted that many reclamation slopes have been constructed by PMC using prudent engineering practices necessary to ensure stable slopes.

For backfilling of the portal highwall only, PMC will place the soil material in approximately 12-inch lifts and compact the material using a sheepsfoot compactor. This method is only being implemented because to achieve AML's backfill elevations, the slopes will need to be somewhat steeper than an overall 2H:1V. As stated above, page 5.4-15 discusses PMC's method for backfilling the portal highwall.

PMC appreciates the Division's timely review of the land use change application and believes that the Division must acknowledge that the land use change can not be finalized until it is achieved; at which time the appropriate phased bond release procedures can commence. In addition to the Division's scrutiny of the land use change, such a must be consistent with county planning and zoning and must receive approval from the county commissioners.

The intent of the land use change is to promote the economic well being of the people and broaden the tax base. To not exhaust all options and not allow for other opportunities to develop would be shameful and inconsiderate of the well being of the people.

Mr. Daron R. Haddock
November 19, 2003
Page 5

The Division should also review the proposed public notice within the application to see if it needs to be revised in any way to address the achievement aspect of the permitting process.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Johnny Pappas
Sr. Environmental Engineer

Enclosures

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

Permittee: Plateau Mining Corporation

Mine: Willow Creek Mine

Permit Number: C/007/038

Title: Industrial Post Mining Land Use Change

Description, Include reason for application and timing required to implement:

To facilitate an industrial post mining land use.

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- | | |
|---|---|
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? Acres: ___ Disturbed Area: ___ <input type="checkbox"/> increase <input type="checkbox"/> decrease. |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 2. Is the application submitted as a result of a Division Order? DO# _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 4. Does the application include operations in hydrologic basins other than as currently approved? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6. Does the application require or include public notice publication? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 7. Does the application require or include ownership, control, right-of-entry, or compliance information? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9. Is the application submitted as a result of a Violation? NOV # _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 10. Is the application submitted as a result of other laws or regulations or policies? |
| <i>Explain:</i> _____ | |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 11. Does the application affect the surface landowner or change the post mining land use? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2) |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 13. Does the application require or include collection and reporting of any baseline information? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 15. Does the application require or include soil removal, storage or placement? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 16. Does the application require or include vegetation monitoring, removal or revegetation activities? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 17. Does the application require or include construction, modification, or removal of surface facilities? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 18. Does the application require or include water monitoring, sediment or drainage control measures? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 19. Does the application require or include certified designs, maps or calculation? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 20. Does the application require or include subsidence control or monitoring? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 21. Have reclamation costs for bonding been provided? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 23. Does the application affect permits issued by other agencies or permits issued to other entities? |

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

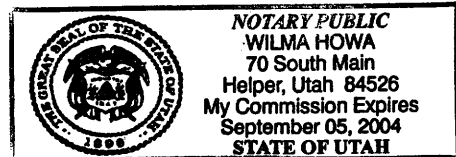
JOHNNY PAPPAS
Print Name

[Signature] - Sr. Env. Engineer - 11/17/03
Sign Name, Position, Date

Subscribed and sworn to before me this 1th day of November, 2003

Wilma Howa
Notary Public

My commission Expires: Sept 05, 2004 }
Attest: State of Utah } ss:
County of Carbon



For Office Use Only:

Assigned Tracking Number:

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Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permit Number: C/007/038

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

Section 3.4 - Land Use Information, replace page 3.4-12

[illegible]

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